

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re SEAN H. BROWN,
Plaintiff/Petitioner.

No. C 13-2681 CRB (PR)
ORDER OF DISMISSAL
(Docket #1 & 3)

I.

Sean H. Brown, a pre-trial detainee at the Contra Costa County Jail, has filed a pro se action alleging various wrongdoing in connection with his ongoing state criminal proceedings. Among other things, Brown alleges denial of his right to present a full defense and judicial misconduct.

Brown seeks dismissal of the state criminal proceedings and leave to proceed in forma pauperis (IFP) under 28 U.S.C. § 1915. Based solely on Brown's affidavit of poverty, the request to proceed IFP (docket #3) is granted. But Brown's action and request for dismissal of the state criminal proceedings (docket #1), must be dismissed.

II.

The court must abstain and dismiss Brown's request for injunctive relief because it is well-settled that a federal court may not interfere with ongoing state criminal proceedings by granting injunctive or declaratory relief. See Younger v. Harris, 401 U.S. 37, 43-54 (1971). There may be an exception to Younger abstention upon a showing of the state's bad faith or harassment, or a showing that the statute challenged is "flagrantly and patently violative of express constitutional prohibitions," id. at 46, 53-54; however, there is no such showing or indication here. Brown's request for injunctive relief must be dismissed. See Juidice v. Vail, 430 U.S. 327, 348 (1977) (district court must dismiss action for declaratory or injunctive relief if it finds that Younger abstention is appropriate); Beltran v. California, 871 F.2d 777, 782 (9th Cir. 1988) (same).

III.

For the foregoing reasons, Brown's action is DISMISSED and the clerk is instructed to enter judgment in accordance with this order and close the file.

SO ORDERED.

DATED: July 10, 2013



CHARLES R. BREYER
United States District Judge